

Serial No. 10/038,274
Docket No. UVD 0280 PA / 40815.324

REMARKS

Claims 1, 3-8, 10-48, 123-124, 126-128, 130-132, 135-148, and 151-154 were pending in the present application. Claims 1, 14, and 148 have been amended. As a result of this amendment, claims 1, 3-8, 10-48, 123-124, 126-128, 130-132, 135-148, and 151-154 remain pending. Reexamination and reconsideration are requested in light of the accompanying amendments and remarks.

Claim 14 has been amended to provide proper antecedent basis for claim 23. This amendment does not narrow the claim.

The rejection of claims 123, 124, 126-128, 130-132, 135-147, and 151 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement is respectfully traversed. The limitation "the organic valence stabilizer is not a carboxylate" is supported by the specification at p. 28, line 25 to p. 29, line 2. The application discloses a broad class of compounds, organic valence stabilizers, and identifies numerous specific organic valence stabilizers which can be used, including carboxylates, among others. See p. 28-134, for example. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. MPEP §2173.05(i). The specification, which described the whole class of organic valence stabilizers, necessarily described the part that remained after removing the specifically disclosed species, carboxylates. Therefore, there is written description support for the limitation "the organic valence stabilizer is not a carboxylate" in the application as filed.

Applicants respectfully submit that claims 123, 124, 126-128, 130-132, 135-147, and 151 are in compliance with 35 U.S.C. § 112, first paragraph, and request that this rejection be withdrawn.

The rejection of claims 1, 3-8, 12, 14, 15, and 148 under 35 U.S.C. § 103(a) as being unpatentable over Schriever (U.S. Patent No. 5,411,606) has been overcome. Schriever teaches a chemical conversion coating solution. The solution includes an aqueous reaction solution containing a soluble cobalt-III hexacoordinated complex.

Schriever teaches the use of carboxylates as the complexing agent. Claims 1 and 148 have been amended to recite that "the organic valence stabilizer is not a carboxylate." Support for this amendment can be found at p. 28, line 25 to p. 29, line 2.

Serial No. 10/038,274
Docket No. UVD 0280 PA / 40815.324

The dependent claims further describe the physicochemical characteristics that the oxidized trivalent or tetravalent cobalt exhibits in the coating in order to provide adequate corrosion protection.

With respect to claim 12, Schriever does not teach or suggest a cobalt/valence stabilizer complex with a central cavity containing a cobalt ion and an additional ion. As discussed on p. 134, line 25 to p. 135, line 20, the central cavity of the heteropolymetallates can contain an ion in addition to cobalt. Examples include silicomolybdates, phosphomolybdates, silicotungstates, and phosphotungstates. In these complexes, the central cavity contains a Si^{+4} or P^{+5} ion in addition to the cobalt ion. The molybdenum or tungsten is not in the central cavity; rather, it forms the central cavity. Schriever does not teach or suggest such an arrangement.

Therefore, claims 1, 3-8, 12, 14-15, and 148 would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicants gratefully acknowledge the allowance of claims 152-154.

Applicants gratefully acknowledge the examiner's statement that claims 10, 11, 13 and 16-48 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. This was not deemed necessary in view of the amendments made herein.

Serial No. 10/038,274
Docket No. UVD 0280 PA / 40815.324

CONCLUSION

Applicants respectfully submit that, in view of the above amendment and remarks, the application is now in condition for allowance. Applicants respectfully request that claims 1, 3-8, 10-48, 123-124, 126-128, 130-132, 135-148, and 151-154 be passed to allowance.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
DINSMORE & SHOHL LLP

By Patricia L. Prior

Patricia L. Prior
Registration No. 33,758

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

PLP/das
Encls.